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SUBJECT: BOSNIA: CONSTITUTIONAL REFORM AMENDMENTS GET
HOSTILE RECEPTION IN COMMITTEE; VOTE DELAYED UNTIL APRIL
19; NO MAJORITY IN SIGHT

REF: SARAJEVO 813 B) SARAJEVO 814

Classified By: AMBASSADOR DOUGLAS MCELHANEY. REASON: 1.4 (B) AND (D).

11. (C) SUMMARY: The U.S.-brokered constitutional reforms faced their first crucial parliamentary hurdle on April 18 when the House Constitutional and Legal Affairs Committee (CLAC) considered the package in a marathon day-long session. The result: a temporary stalemate, with the CLAC postponing its vote until April 19. Difficulties in the CLAC are primarily due to its composition, with four of the nine reps from parties that have been overtly hostile to the package (including one from breakaway Croat HDZ 1990). The situation was complicated by proposals for fresh changes by Bosnian Serbs. The opponents in the committee (two of whom have long-standing strong relationships with the U.S. and European officials), however, faced with an up-or-down vote on the principles of the package, dodged the bullet by supporting a motion by a delegate from a minor Serb party who suggested a 24-hour delay to reflect further. It is still narrowly possible that the package will get the crucial 5 of 9 votes tomorrow needed to forward it with a positive recommendation to the full House on April 24.

12. (C) Our current strategy remains to keep the pressure up on the nay-sayers in the committee to allow it to move to the full House; a negative vote in committee will doom it procedurally, and the critics well know that. Pressure from the international community on two key players (Raguz and Belkic) has had no visible effect -- although, faced with voting "no" on the principles, and therefore killing the package altogether may call their bluff. Statements of support from European leaders (Blair and most recently, from Solana -- with a Barroso statement reportedly in the works) have been helpful in the public domain; the Embassy has pressed the German Ambassador to solicit similar input. Meanwhile, the Embassy continues its intensive outreach to the Croat media. The Ambassador addressed a televised roundtable of Croats in Mostar today, and -- given the negative comments by (Catholic) Cardinal Puljic over the weekend -- will meet with the Papal Nuncio. Ambassador will also meet with party leaders April 19 to strategize prior to the CLAC session. END SUMMARY.

HOSTILITY IN THE COMMITTEE, DECISION DUCKED FOR 24 HOURS

13. (C) Given the makeup of the BiH House of Representatives Constitutional Committee (2 members of SBiH, the party of Haris Silajdzic, 2 anti-Covic Croat delegates, one radical anti-reform Serb member), we face an uphill fight for weeks

to get the constitutional amendments package out of the 9-member committee into the full House. Procedurally, the committee must forward the package with a "positive" recommendation (via a simple majority), or the House will simply return it for further discussion. Given the tightness of the remaining calendar -- the Electoral Commission must/must be in a position to announce the upcoming national elections on May 4, with the amendments and electoral law revisions safely passed -- there is simply no time left for a "negative" report out of the committee. For hours, the critics of the package -- two Bosniaks from (Silajdzic's Bosniak) SBiH, two Croat break-aways from the Croat HDZ, and two Serbs from minor parties, went round and round in circles. Tellingly, none of the critics could find sufficient votes for their own proposed amendments, as became clear in the discussion. Thus, by day's end it was clear that even the critics could not find sufficient common cause to get the package amended in a way they could all live with, because each side was seeking changes (cancelling the entity vote; taking competencies away from the state; reinserting ethnic blocking mechanisms) which the others found repugnant. When the chair directed them to the unavoidable -- an up or down vote on the principles, which could only then be followed by votes on individual amendments -- a look of some panic spread on at least several of the opponents' faces. Confronted with the politically distasteful prospect of being tagged responsible for killing the package -- and BiH's hopes for constitutional change for the near term -- several of the opponents immediately jumped onto a proposal to delay a vote for 24 hours.

14. (C) Intervention with two key representatives -- SBiH's Beriz Belkic and breakaway HDZ 1990 rep Martin Raguz (though pressed by calls from the Department April 17 and constantly

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lobbied by the Ambassador) -- has had little visible effect on their negative stance. Despite further calls from European representatives, neither to date is giving any indication that he will support the package or even abstain when the vote is taken. Tomorrow will tell whether this is indeed a bluff. We, and European interlocutors, have made very clear to Belkic and Raguz that neither their reputations nor their relations with us will recover if they, by a "no" vote in committee, kill the amendments package. Tellingly, Raguz has not even circulated for the committee's consideration the rumored 7-8 amendments his party has prepared. Belkic and his fellow SBiH traveler know well that their only amendment -- to abolish entity-voting -- has no chance of mustering sufficient support in committee, let alone on the floor of the House. Their stance is purely driven by the overweening ambitions of their party's ex-leader, Haris Silajdzic, some-time resident of BiH, to be president in October.

WHAT WE EXPECT APRIL 19

15. (C) Ambassador has convoked all party leaders supportive of the constitutional reform package to Sarajevo for a strategy meeting April 19. Parties have spent more time fighting among themselves over last minute efforts to renegotiate the package, and despite constant demarches from us and others, have failed to focus on the parliament. A 24-hour delay will only increase the pressure on those who have tried to pretend, in conversations with us, European officials, and in public, that their vote "doesn't count." Nothing could be further from the truth at this time. It is altogether possible that if the package musters the requisite 5 of 9 votes, it will be with the support of an anti-reform Serb, who has opposed all of the major state-building reforms in BiH to date. He has aligned himself with a Serb member from the Socialist Party who is leaning our way, but requires a push, which he will get tonight from us, as well as other political party leaders who negotiated the agreement. Raguz and Belkic, in particular, will then be faced with the kind of responsibility that they have tried to evade for weeks --

accepting that they cannot, this time around, get the support they want for their way and join the majority to support this critical first step in constitutional reform. Unfortunately, as is often the case in Bosnian politics, it is not at all clear that they will show the requisite political courage.

EMBASSY, EUROPEAN OUTREACH CONTINUES

15. (C) Embassy continues pressing the international community here to ramp up vocal support for the constitutional reform package, particularly with the Bosnian Croat community. Prior to his departure for New York, High Rep Schwarz-Schilling asked former Belgian PM and head of the European People's Party Martens to intervene with breakaway HDZ 1990 leader Bozo Ljubic (who, like Raguz, remains opposed). OHR staff also reached out to members of the committee over the weekend, as have key members of the Steering Board Ambassadors. Today, EU High Rep for the CFSP Solana sent a letter of support for the package to party leaders, which arrived in time to be read aloud at the April 18 CLAC. (It was covered widely in the press April 18.) We understand a similar statement from Barroso is in the works.

16. (C) Parallel to Embassy Zagreb's outreach to the HDZ leadership, the UK is also intervening with Sanader via its Ambassador in Zagreb. Cardinal Puljic's negative comments on constitutional reform (directly criticizing the U.S. for "driving remaining Croats out of BiH") in the weekend press has received wide coverage here. The Ambassador used a televised April 18 roundtable with prominent Croat politicians and intellectuals to counter effectively a number of arguments being used primarily by breakaway HDZ 1990 to bolster its slim electoral chances. In addition, the Ambassador will brief the papal nuncio here in Sarajevo on Thursday; we believe outreach by our Embassy to the Vatican would be extremely helpful in this regard. The UK Ambassador has assured us that his government will also be reaching out to the Church via its Vatican emissary.

MCELHANEY